

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv204**

RDLG, LLC,

Plaintiff,

v.

RPM GROUP, LLC, et al.,

Defendants.

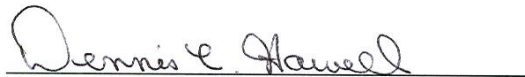
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ORDER

Pending before the Court is the Motion in Limine [# 141]. Defendant Fred Leonard (“Defendant”) moves to exclude any evidence related to sales events other than Linville Falls Mountain Club and Preserve. On December 5, 2014, the Court held the Final Pretrial Conference in this matter and had oral argument as to the pending Motions in Limine. Upon a review of the record and the parties’ pleadings, and after the benefit of oral argument, the Court **GRANTS in part** and **DENIES in part** the motion [# 141]. The Court **DENIES** the motion to the extent that Defendant seeks to exclude paragraphs 56-60 of the Amended Complaint. The Court will provide the Jury with a redacted copy of the Plaintiff’s Amended Complaint. The Court will redact paragraphs 61-65 and 72-85. The Court, however, will not redact any of the factual allegations contained in the Amended

Complaint. Count Two specifically incorporates all the factual allegations into the claim, and Defendant has admitted to each of the factual allegations by virtue of the Court's prior Orders. The Court will instruct the Jury that Defendant has admitted to all the factual allegations in the Amended Complaint and that it is up to them to determine only the amount, if any, of damages sustained by Plaintiff in this case. Defendant may not contest these admitted factual allegations. The Court **GRANTS** the motion to the extent Defendant seeks to exclude any evidence outside the factual allegations in the Amended Complaint as to other sales events. Aside from the presentation of the admitted factual allegations contained in the Amended Complaint, the only evidence allowed in this case will be limited to the issue of damages.

Signed: January 5, 2015

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

